



Senate

General Assembly

File No. 508

February Session, 2002

Substitute Senate Bill No. 143

Senate, April 16, 2002

The Committee on Appropriations reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING FOSTER CARE AND OTHER PAYMENTS BY
THE DEPARTMENT OF CHILDREN AND FAMILIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-126 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2002*):

3 (a) As used in this section, "relative caregiver" means a person who
4 is caring for a child related to such person because the parent of the
5 child has died or become otherwise unable to care for the child for
6 reasons that make reunification with the parent not a viable option
7 within the foreseeable future and "commissioner" means the
8 Commissioner of Children and Families.

9 (b) The Commissioner of Children and Families shall establish a
10 program of subsidized guardianship for the benefit of children [in the
11 care or custody of the commissioner] (1) who are living with relative
12 caregivers that have been appointed the guardians or coguardians of

13 the children by courts of competent jurisdiction, and who [have been]
14 were in foster care or certified relative care for [not less than eighteen
15 months. The commissioner, within available appropriations, may
16 establish a program of subsidized guardianship for the benefit of
17 children in the care or custody of the commissioner who are living
18 with relative caregivers and who have been in foster care or certified
19 relative care for not less than twelve but not more than eighteen
20 months] at least twelve months prior to their relative caregivers being
21 appointed guardians or coguardians, and (2) not in the care or custody
22 of the commissioner who are living with relative caregivers that (A)
23 have been appointed guardians or coguardians of the children by
24 courts of competent jurisdiction because the parents of such children
25 have died, and (B) have family incomes of not more than two hundred
26 per cent of the federal poverty level. A relative caregiver may request a
27 guardianship subsidy from the commissioner. If adoption of the child
28 by the relative caregiver is an option, the commissioner shall counsel
29 the caregiver about the advantages and disadvantages of adoption and
30 subsidized guardianship so that the decision by the relative caregiver
31 to request a subsidized guardianship may be a fully informed one.

32 (c) The subsidized guardianship program shall provide the
33 following subsidies: [for the benefit of any child in the care of a relative
34 caregiver who has been appointed the guardian or coguardian of the
35 child by any court of competent jurisdiction:] (1) A special-need
36 subsidy, which shall be a lump sum payment for one-time expenses
37 resulting from the assumption of care of the child when no other
38 resource is available to pay for such expense; [and] (2) a medical
39 subsidy comparable to the medical subsidy to children in the
40 subsidized adoption program if the child lacks private health
41 insurance; [. The subsidized guardianship program shall also provide]
42 and (3) a monthly subsidy on behalf of the child payable to the relative
43 caregiver. [that] The monthly subsidy (A) for children described in
44 subdivision (1) of subsection (b) of this section shall be equal to the
45 prevailing foster care rate, and (B) for children described in
46 subdivision (2) of subsection (b) of this section shall be equal to the
47 prevailing foster care rate minus the amount of any (i) benefits for

48 survivors under the Social Security Act, (ii) federal Social Security
49 disability benefits, and (iii) temporary family assistance benefits
50 received for such child. The commissioner may establish an asset test
51 for eligibility under the program.

52 (d) The commissioner shall adopt regulations in accordance with
53 chapter 54 implementing the subsidized guardianship program
54 established under this section. Such regulations shall require, as a
55 prerequisite to payment of a guardianship subsidy for the benefit of a
56 minor child, that a home study report be filed with the court having
57 jurisdiction of the case of the minor within fifteen days of the request
58 for a subsidy, provided that no such report shall be required to be filed
59 if a report has previously been provided to the court or if the caregiver
60 has been determined to be a certified relative caregiver by the
61 commissioner. The regulations shall also establish a procedure
62 comparable to that for the subsidized adoption program to determine
63 the types and amounts of the subsidy to be granted by the
64 commissioner as provided in subsection (c) of this section, for annual
65 review of the subsidy as provided in subsection (e) of this section and
66 for appeal from decisions by the commissioner denying, modifying or
67 terminating such subsidies.

68 (e) The guardianship subsidy provided under this section shall
69 continue until the child reaches the age of eighteen or the age of
70 twenty-one if such child is in full time attendance at a secondary
71 school, technical school or college or is in a state accredited job training
72 program. Annually, the subsidized guardian shall submit to the
73 commissioner a sworn statement that the child is still living with and
74 receiving support from the guardian. The parent of any child receiving
75 assistance through the subsidized guardianship program shall remain
76 liable for the support of the child as required by the general statutes.

77 (f) A guardianship subsidy shall not be included in the calculation
78 of household income in determining eligibility for benefits of the
79 relative caregiver of the subsidized child or other persons living within
80 the household of the relative caregiver.

81 (g) Payments for guardianship subsidies shall be made from
 82 moneys available from any source to the commissioner for child
 83 welfare purposes. The commissioner shall develop and implement a
 84 plan that: (1) Maximizes use of the subsidized guardianship program
 85 to decrease the number of children in the legal custody of the
 86 Commissioner of Children and Families and to reduce the number of
 87 children who would otherwise be placed into foster care when there is
 88 a family member willing to provide care; (2) maximizes federal
 89 reimbursement for the costs of the subsidized guardianship program,
 90 provided whatever federal maximization method is employed shall
 91 not result in the relative caregiver of a child being subject to work
 92 requirements as a condition of receipt of benefits for the child or the
 93 benefits restricted in time or scope other than as specified in subsection
 94 (c) of this section; and (3) ensures necessary transfers of funds between
 95 agencies and interagency coordination in program implementation.
 96 The Commissioner of Children and Families shall seek all federal
 97 waivers as are necessary and appropriate to implement this plan.

This act shall take effect as follows:	
Section 1	July 1, 2002

KID	<i>Joint Favorable Subst. C/R</i>	HS
HS	<i>Joint Favorable C/R</i>	APP
APP	<i>Joint Favorable Subst.</i>	

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$
General Fund - Implements a Provision in the Budget	Department of Children and Families	\$1.5 million	\$4.0 million
General Fund - Revenue Loss	Department of Children and Families	\$285,000 - \$570,000	\$285,000 - \$570,000

Municipal Impact: None

Explanation

This bill shortens the time period after which a child is eligible for a subsidized guardianship program operated by the Department of Children and Families (DCF) and establishes a similar new benefit for certain children living with relative guardians or co-guardians who have been orphaned.

Modify Subsidized Guardianship Program

An estimated 100 - 200 additional children will be deemed eligible for DCF's subsidized guardianship program due to shortening from eighteen to twelve months the length of time that a child must have been in relative foster care prior to being eligible for consideration for a guardianship benefit. Under current law the commissioner may provide this benefit to those having been in relative care at least twelve months but this authority is discretionary.

Federal financial participation ceases for Title IV-E eligible foster children when they are accepted into the subsidized guardianship program. This will result in an estimated annual revenue loss of

between \$285,000 - \$570,000, based upon an anticipated average benefit of \$8,180 annually and Title IV-E eligibility of seventy percent.

A total of 920 children were receiving subsidized guardianship benefits as of March 2002.

Establish Subsidy for Certain Children Living with Relative Guardians

The bill extends eligibility for a guardianship subsidy to a child living with a relative guardian or co-guardian because the child's parent has died and the child's relative caregiver's income is at or below 200 percent of the federal poverty level. This will result in financial payments to families who are not currently receiving foster care benefits.

It is estimated that 650 children would be found eligible. Funding, in the amount of \$1,556,463, has been included under DCF's budget within sHB 5019 (the Revised FY 03 Appropriations Act, as favorably reported by the Appropriations Committee) to reflect implementation of this benefit, effective January 1, 2003. In FY 04 these costs are estimated to rise to approximately \$4 million to reflect full-year implementation.

It should be noted that the bill's effective date is July 1, 2002. This is inconsistent with the funding contained within sHB 5019, which assumes a January 1, 2003, implementation date.

OLR Bill Analysis

sSB 143

***AN ACT CONCERNING FOSTER CARE AND OTHER PAYMENTS
BY THE DEPARTMENT OF CHILDREN AND FAMILIES*****SUMMARY:**

This bill extends the Department of Children and Families' (DCF) subsidized guardianship program to (1) children who were in foster or DCF-certified relative care for between 12 and 18 months before a court appointed their relative as guardian and (2) certain orphans. It establishes a two-tier subsidy level, in which the subsidy for children who were in DCF custody is the same as for foster children while the subsidy for orphans is adjusted for various government payments. But as existing DCF regulations contain an asset test that enables it to adjust subsidies for children formerly in DCF custody to account for government and other payments they receive, it appears that both subsidies for both groups could be treated essentially in the same way.

EFFECTIVE DATE: July 1, 2002

SUBSIDIZED GUARDIANSHIP ELIGIBILITY

The bill extends DCF's subsidized guardianship program to children who have been in foster care or DCF-supervised relative care for between 12 and 18 months before a court appoints a relative as their guardian. Under current law, a child must be in foster or relative care for at least 18 months, but the DCF commissioner can create a program to subsidize guardianships for children who have been in her custody for between 12 and 18 months, if funds are available. The bill eliminates this option. (Although both current law and the bill apply to children in "certified" relative care, PA 01-70 requires relatives who care for children for more than 90 days to be licensed as foster parents unless, under certain conditions, they were previously certified as relative caregivers.)

The bill makes orphans who have not been in DCF custody and for whom a court has appointed a relative as guardian eligible for guardianship subsidies as long as the relative's family income is 200%

or less of the federal poverty line (200% is currently \$30,040 for a family of three).

SUBSIDY LEVELS

The bill sets the subsidy for children in DCF custody for 12 to 18 months equal to the rate DCF pays foster parents, which is the same level as the current subsidy for children in DCF custody for 18 or more months. For orphans, it sets the subsidy at foster care rate minus (1) Social Security survivors or disability benefits and (2) temporary family assistance (TFA) paid for the child.

The law allows DCF to establish an asset test for program eligibility. DCF regulations governing this asset test, which apply to the current subsidy program, allow it to reduce the subsidy amount to reflect the child's own income from other sources including: Social Security; TFA; child support; life insurance or other death benefits from or through a parent; and all other federal and state assistance and benefit programs.

BACKGROUND

Subsidized Guardianship Program

The subsidized guardianship program provides (1) a lump-sum payment for one-time expenses a guardian experiences in assuming the child's care, (2) medical benefits, and (3) a monthly payment. The monthly payment continues until the child turns age 18, unless he is attending high school, technical school, college, or a state-accredited job-training program, in which case it continues until age 21.

The law allows DCF to adopt regulations requiring a home study of the guardian to be filed with the appropriate court within 15 days after the request for a subsidy. Current DCF regulations require it to assess the relative caregiver and others living in the household including their health, intellectual and emotional capacity to care for the child, and criminal record (*Conn. Agency Regs.* 17a-126-1 to -23).

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference

Yea 11 Nay 0

Human Services Committee

Joint Favorable Change of Reference

Yea 18 Nay 0

Appropriations Committee

Joint Favorable Substitute

Yea 48 Nay 1